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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,541	12/03/2003	George W. McClurg	1823.082000A	3188

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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER
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MARIAM, DANIEL G

ART UNIT	PAPER NUMBER
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2624

MAIL DATE	DELIVERY MODE
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05/14/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/725,541

Applicant(s)

MCCLURG ET AL.

Examiner

DANIEL G. MARIAM

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 11-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 11-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date See Continuation Sheet.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date  
:8/17/04,9/20/04,9/28/06,3/20/06,9/20/06.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation “. . window coordinates. .” recited in line 8 is unclear in light of the recitation “. . rectangular coordinate. .” recited in lines 5-6 of dependent claim 4. Does this mean the window coordinate is different from the rectangular coordinate? If it is, what is the difference? Please clarify.

Since claims 2-5 and 11 directly or indirectly depend on claim 1, they are also rejected under 35 U.S.C. 112 second paragraph, for the same reason set forth above for claim 1.

2. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 12 recites the limitation “. . capturing the image data in polar form and displaying the captured image. .” How is the captured image viewed in polar form on the displaying system directly? Please clarify.

Since claims 13-16 directly or indirectly depend on claim 12, they are also rejected under 35 U.S.C. 112 second paragraph, for the same reason set forth above for claim 12.

3. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 14 recites the limitation “image conversion system”. It is unclear what is been converted by the image conversion system. Please clarify.

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maase, et al (5,528,355) in view of Klingensmith, et al (6,381,350).

With regard to claim 12, as best understood, Maase, et al discloses a system for generating a display of a print pattern, i.e., palm-print, on a conical platen surface, i.e., non-planar platen surface, an image of the print pattern being captured in a scan made up of a series of radial scan line images along an arcuate path (See for example Figs. 4-6, more particularly Figs. 4 and 5 and their associated text), comprising: a non-planar prism (See for example, item 12, in Fig. 1); a scanning imaging system optically coupled to the non-planar prism for capturing the image data in a polar coordinate system (See for example, item 10, in Fig. 1; and Figs. 4 and 6); a display processing system coupled to the scanning imaging system wherein the display processing system comprises a preview generation module for generating a preview display of the captured print image (See item 86, in Fig. 1; and col. 10, lines 14-19). While Maase, et al obtains each image of the palm-print in a rotational pattern, the imaging system of Maase does not expressly call for capturing the image data in a polar coordinate system. However, capturing an image in a polar coordinate system is well known, as evidenced by However, Klingensmith, et al (See for example, Figures 2-4). Therefore, it would have been obvious to one having

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ordinary skill in the art to incorporate the teaching as taught by Klingensmith, et al into the system of Maase, et al, if for no other reason than to acquire an image in polar coordinates by radially scanning the image/palm-print image and displaying it for evaluation by a user (See for example, col. 4, lines 25-37).

With regard to claim 13, the system of claim 12 wherein the display processing system further comprises a high resolution display processing module for generating a high resolution display of an area of the preview display selected by a system user (col. 10, lines 19-23 of Maase, et al; and col. 4, lines 31-31-32 of Klingensmith,et al).

With regard to claim 14, the system of claim 13 further comprising an image conversion system (See Fig. 3).

With regard to claim 15, the system of claim 12 wherein the non-planar prism is a conical prism (See for example, 3, line 65 – col. 4, line 2).

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maase, et al in view of Klingensmith, et al as applied to claims 12-15 above, and further in view of (5,467,403).

With regard to claim 16, Maase, et al (as modified by Klingensmith, et al ) discloses all of the claimed subject matter as already addressed above in paragraph 5, and incorporated herein by reference. While the system of Maase, et al (as modified by Klingensmith, et al ) broadly discloses wherein the scanning and capturing system is coupled to the display processing system via a data network as shown in Figure 1A, does not expressly call for a network.

However, Fishbine, et al (See col. 7, line 62 – col. 8, line 9) teaches this feature. It would have been obvious to one having ordinary skill in the art to incorporate the teaching as taught by Fishbine, et al into the system of Maase, et al (as modified by Klingensmith, et al ), and to do so

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would at least allow data exchange between the image capture/scanner and locally/remotely located displaying unit.

*Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL G. MARIAM whose telephone number is 571-272-7394. The examiner can normally be reached on M-F (7:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW BELLA can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
DANIEL G MARIAM  
Primary Examiner  
Art Unit 2624

May 8, 2007